

LABOUR DEPARTMENT

The 25th January, 1979

No. 11(112)-3Lab-78/974.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Print Pak Machinery Limited, 41/42, Link Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 5 of 1976.

between

WORKMEN AND THE MANAGEMENT
OF M/S PRINT PAK MACHINERY
LIMITED, 41/42, LINK ROAD,
FARIDABAD.

Present:

Shri R. N. Roy, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/914-A-75/2008, dated 15th January, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. Print Pak Machinery Limited, 41/42 Link Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen are entitled to the grant of annual increment? If so with what details?
2. Whether the workmen are entitled to the grant of adhoc dearness allowance? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed by my learned predecessor on 19th April, 1976.

1. Whether the demand pleading to the reference has been properly espoused by substantial number of workmen?
2. Whether the workmen are entitled to the grant of annual increment? If so, with what details?
3. Whether the workmen are entitled to the grant of *ad hoc* dearness allowance? If so, with what details?

On 9th June, 1976, the management did not press issue No. 1 and therefore, my learned predecessor recast the following issues on 9th June 1976.

1. Whether the workmen are entitled to the grant of annual increment? If so, with what details?
2. Whether the workmen are entitled to the grant of *ad hoc* dearness allowance? If so, with what details?

And fixed the case for evidence of the workmen. The workmen examined as many as six witnesses in support of their demands and closed their case. Then the case was fixed for the evidence of the management. The management examined their Accounts Officer, Shri M. L. Chawala as MW-1 and tendered in evidence Ex. M-8 and closed their case. Then the case was fixed for arguments. Arguments have been heard at length. I now give my findings issue-wise:—

ISSUE No. 1:

The workmen have proved several documents in support of their case. Ex. WW-5/1 is a settlement entered into between the workmen and another management. Ex. M-2 to M-6 is the balance sheet, profit and loss accounts and schedule of accounts of the management.

Ex. M-8 is a letter of the management by which the management granted cycle or conveyance allowance to their workmen at the rate of Rs. 15 per mensem. The workmen also proved Ex. W-1, the annual reports of M/s. Escorts Limited and also proved Ex. W-3 an agreement between the workmen of Metal Box Company of India and its management. The workmen also produced several documents. Ex. M-1 is a chart prepared by the management and produced by them giving the basic salary, dearness allowance and annual increments granted to their workmen by the management. I have gone through the Ex. M-1, the document of the management. Dearness allowance has not been paid properly. Annual increments have also not been paid properly. Annual increments have been paid to several workmen and have not been paid to others. Similar is the case with regard to dearness allowance. In the circumstances it is a fit case where *ad hoc* dearness allowance be paid to the workmen and workmen are also entitled to the grant of annual increments. On the first page of Ex. M-1 Draftsmen, Typists, Fitters and Assistant CMD have been shown. Dearness allowance has been paid to Draftsmen and Assistant CMD only. Increment in the year 1976 has not been paid to Fitters. On other pages of Ex. M-1, several workmen have been paid dearness allowance whereas others have not been paid. There should not have been so much discrimination in the matter of payments of dearness allowance and annual increments. The workmen have rightly raised these disputes I, therefore, decide issue No. 1 in favour of the workmen holding that the workmen are entitled to the annual increments regularly without any discrimination. In this matter the details are necessary to be given. While giving details I have to consider that this factory has no grades and scales of pay. The management agreed to follow the grades and pay scales of M/s. Hindustan Kokoku Wire Limited. That question shall arise when there is dispute regarding fixation of grades and scales of pay. Here I am concerned with only annual increments. Annual increments

heretofore granted by this management are not uniform and are much less. This management has given annual increments to their workman irrespective of any formula. On a basic salary of Rs. 275, annual increment has been granted at Rs. 30 in 1975 and Rs. 40 in 1976. Whereas on a basic salary of Rs. 375, this management has granted annual increments at Rs. 20 only. The management has not adopted any criteria for annual increments. This management has granted annual increments to some workmen at the rate of 10 per cent to some even at the rate of more than 10 per cent of the basic salary and to others at the rate of less than 10 per cent. Considering Ex. M-1 produced by the management, I am of the view that the management should grant annual increments at the rate of 10 per cent of the basic pay as shown in Ex. M-1 but uniformly and without any discrimination. I, decide this issue likewise.

ISSUE No. 2:

I have considered the rise in price as well as the price index. The management has granted dearness generally at the rate of 15 per mensem, but to some employees they have granted dearness at the rate of Rs. 16.50, 17 and 17.50 and in one case they have granted dearness allowance at the rate of Rs. 25. I think the amount of dearness allowance is much less. The workmen have demanded *ad hoc* dearness allowance. The workmen have produced several witnesses in their support. They have also produced the settlements and balance-sheet of other companies which are Engineering Factories. But in this regard, several other factories have to be considered. Prosperous condition of the factory also has also to be considered. The status of the company in finance and number of the workmen employed by it has also to be considered. Small and large factories have also to be considered at different footing. But the dearness allowance paid by this management to their workmen is much less. The workmen have demanded *ad hoc* dearness allowance at the rate of Rs. 75 per mensem and the

management is paying between Rs. 25 and Rs. 17.50, as dearness allowance to their workmen and to one of their workmen, they are paying dearness allowance at the rate of Rs. 25. Considering from all angles, I am of the view that ad hoc dearness allowances be paid to the workmen at least at the rate of Rs. 45 per mensem. I, therefore, find the workmen favour of the workmen, that the workmen are entitled to the grant of ad hoc dearness allowance, giving the details. I hold that the workmen should be granted an ad hoc dearness allowance at the rate of 45 per mensem including the dearness allowance that the management is paying to their workmen. While answering the reference I give my award that the workmen are entitled to the grant of annual increments at the rate of 10 per cent of their basic salary as shown in Ex. M 1. This means that the management shall grant annual increments at the rate of 10 per cent of their basic salary which has been and is paid to the workmen as basic salary by the management at present and further that the workmen are entitled to the grant of ad hoc dearness allowance at the rate of Rs. 45 per mensem including the dearness allowance which is being paid to the workmen by the management at present. This award shall be operative with effect from 1st January, 1979.

Dated the 11th January, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Endorsement No. 217, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government Haryana Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112) 3Lab-79/981.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. G. M. Worsted Spinning Mills Pvt. Ltd., Link Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 63 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S. G. M. WORSTED SPINNING MILLS PRIVATE LIMITED,
LINK ROAD, FARIDABAD.

Present:

Shri Jawahar Lal, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/75/14340—44, dated 11th March, 1975, the Governor of Haryana referred the following dispute between the management of M/s. G. M. Worsted Spinning Mills, Private Limited, Link Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workmen are entitled to the grant of dearness allowance? If so, with what details?

On receipt of the order of reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the

following issues were framed by my learned predecessor on 22nd April, 1976:—

- (1) Whether Textile Mazdoor Union has the *locus-standi* to raise the demand leading to the reference?
- (2) Whether the demand has been espoused by a substantial number of workmen?
- (3) Whether the reference is bad in law for the reasons stated in preliminary objection No. 3.

The case was fixed for the evidence of the workmen. The workmen obtained several adjournments and then examined Shri Bishan Dass an Assistant, in the office of the Labour Commissioner as WW-1. Then the case was fixed for remaining evidence of the workmen. The workmen obtained 12 adjournments for adducing their remaining evidence. On 4th April, 1978 the management did not appear hence they were proceeded against *ex-parte* but the management thereafter applied for setting aside *ex parte* proceedings and they were set aside. Thereafter the workmen obtained six adjournments but led no evidence and lastly none appeared for the workmen on two dates fixed in the case. The representative for

the management then stated that the burden of issues was on the workmen and, therefore he had not to give any evidence. Then the arguments of the management were heard. The workmen have defaulted in appearance. They have not proved their case. The workmen have led no evidence. While answering the reference I give my award that the workmen are not entitled to the grant of dearness allowance. No details are necessary.

Dated the 12th January, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 30, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 5th February, 1979

No. 11(112)-3Lab-78/481.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Hindustan Kokoku Wires Limited., Mathura Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 134 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S HINDUSTAN KOKOKU WIRES
LIMITED., MATHURA ROAD, FARIDABAD

Present :—

Shri Sagar Ram Gupta, for the workmen.

Shri K. P. Agarwal for the management.

AWARD

By order No. ID/FD/96/78/22393, dated 12th May, 1978, the Governor of Haryana referred the following dispute between the management of M/s Hindustan Kokoku Wires Limited., Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to bonus at a higher rate than declared by the management for the year 1976-77? If so with what details?

On receipt of the order reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 7th September, 1978 :—

1. Whether the demand/dispute is hit by an agreement, dated 5th July, 1977? If so, to what effect?
2. Whether the workman is entitled to bonus at a higher rate than 8.33%?

And the case was fixed for the evidence of the workmen. It was at this stage that the office bearer of the union i. e. the representative of the workmen moved an application that dispute has been settled between the parties and permission to withdraw the same may be granted. Withdrawal was permitted. While answering the reference I give my award that the workmen have withdrawn their dispute.

Dated the 28th December, 1978

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10, dated the 9th January, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer
Industrial Tribunal, Haryana,
Faridabad.

M. KUTTAPPAN, Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 11th January, 1979

No 12(392)-78-6Lab.—The Governor of Haryana is pleased to constitute the District Committee on Employment, Jind, consisting of the following members :—

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|----------------------------------------------------------------------------------------------------|----------------------------|
| 1. Deputy Commissioner, Jind. | Chairman |
| 2. Principal, Jat College, Jind. | Employers' Representative. |
| 3. Manager, Industrial Cables, Kilazafargarh (Jind) | Ditto |
| 4. Shri Ram Chander, President, Janta Mazdoor Union, Jind | Workers' Representative |
| 5. Shri Sagar Ram Gupta, President, Haryana Dairy Dsv., Corporation Federation Workers Union, Jind | Ditto |
| 6. Shri Suraj Bhan, Member, Harijan Kalyan Nigam, Jind | Member |
| 7. Sh. Zile Singh Malik, M.L.A., V&P. O. Shamlo Kalan (district Jind) | Do |
| 8. Sh. Ram Kishan, M. L. A., H.No. 262-Ward No. 4, Jind | Do |
| 9. District Education, Officer, Jind | Do |

10. Chief Medical Officer, Jind	Member
11. Principal, I. T. I., Narwana	Do
12. District Industries Officer, Jind	Do
13. General Manager, Haryana Roadways, Jind	Do
14. Deputy Director of Agriculture, Jind	Do
15. District Welfare Officer, Jind	Do
16. Executive Engineer, P. W. D., B&R, Jind	Do
17. Secretary, District Sainik Board, Jind	Do
18. General Manager, Milk Plant, Jind	Do
19. Assistant Employment Officer, Narwana	Do
20. District Employment Officer, Jind	Member/Secretary.

The object of the Committee would be to advise to the District Employment Exchange, Jind on problems relating to employment, creation of employment opportunities and the working of the Employment service. Its function would be as follows :—

- (i) to review the employment position and assess employment and un-employment trends and suggest measures for expanding employment opportunities ;
- (ii) to advise on the development of Employment Service ;
- (iii) to advise on deployment of personnel retrenched on the completion of development projects ;
- (iv) to consider special programme relating to educate unemployed ;
- (v) to advise on the development of vocational Guidance and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirement of trained craftsman and advise the concerned authorities.

3. The term of the office of the members of the Committee would be one year.

4. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public,

M. KUTTAPPAN, Secy.

FOREST DEPARTMENT

The 30th January, 1979

No. 5340-Ft.II.78/5069.—The Governor of Haryana is pleased to promote Shri M. S. Vaid, IFS, Deputy Conservator of Forests (HQ) Chandigarh as Conservator of Forests, South Circle, Hissar in the scale of Rs. 1,800-100-2,000 w. e. f. 1st February, 1979 (FN) against the post to be vacated by Shri Mahipal Singh IFS who has been promoted as Additional Chief Conservator of Forests, wood Harvasting Circle, Chandigarh with effect from 1st February, 1979 (FN).

Shri M. S. Vaid should take the Charge of his new assignment from Shri Mahipal Singh, IFS, and hand over the charge after making some local arrangement.

No. 5339-Ft. II. 78/5066.—The Governor of Haryana is pleased to promote Shri Mahipal Singh, IFS, Conservator of Forests, South Circle, Hissar as Additional Chief Conservator of Forests Wood Harvasting Circle, Chandigarh in the scale of Rs. 2,250-125/2—2,500 with effect from 1st February, 1979, (F. N.) against the post to be vacated by Shri K. L. Malik, IFS, at his retirement on 31st January, 1979, (afternoon).

He should take charge of his new assignment and hand over the present charge to Shri M. S. Vaid, IFS, who has been promoted as Conservator of Forests South Circle, Hissar with effect from 1st February, 1979.

L. D. KATARIA,
Commissioner & Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 30 जनवरी, 1979

क्रमांक 2045-ज(I)-78/4341.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2 (ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री दरयाव सिंह, पुत्र श्री भोला राम, गांव काकडोली हुक्मी, तहसील दादरी, जिला भिवानी, को रबी, 1969 से रबी, 1970 तक 100 रु० वार्षिक तथा खरीफ, 1970 से 150 रु० वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 31-ज(I)-79/4345.—श्री जगमल सिंह, पुत्र श्री सलेदी सिंह, गांव जडवा, तहसील लोहारू, जिला भिवानी, की दिनांक 9 दिसम्बर, 1977 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 4 एवं 2(ए) (1) तथा 3 (1) के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए श्री जगमल सिंह को मुब्लिग 200 रुपये वार्षिक की जागीर जो उसे हरियाणा सरकार की अधिसूचना क्रमांक 175-र-IV-67/1124, दिनांक 18 अप्रैल, 1967 तथा अधिसूचना क्रमांक 5041-आर-III-70/29505, दिनांक 8 दिसम्बर, 1970 द्वारा मंजूर की गई थी अब उस की विधवा श्रीमती चन्द्र वाई के नाम खरीफ, 1978 से 200 रुपये वार्षिक की दर से सनद में दी गई शर्तों के अन्तर्गत सहर्ष प्रदान करते हैं।

दिनांक 31 जनवरी, 1979

क्रमांक 204-ज(II)-79/4491.—श्री रिसाल सिंह, पुत्र श्री अनमर सिंह, गांव कटसरा, तहसील व जिला रोहतक की दिनांक 23 अक्टूबर, 1972 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 4 एवं 2(ए) (1) तथा 3(1)(ए) के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए श्री रिसाल सिंह की मुब्लिग 150 रु० वार्षिक की जागीर उसे हरियाणा सरकार की अधिसूचना क्रमांक 1301-आर-III-69/8318, दिनांक 18 अप्रैल, 1969 तथा अधिसूचना क्रमांक 5041-आर-III-70/29505, दिनांक 8 दिसम्बर, 1970 द्वारा मंजूर की गई थी, अब उसकी विधवा श्रीमती जय देवी के नाम खरीफ, 1973 से 150 रु० वार्षिक की दर से सनद में दी गई शर्तों के अन्तर्गत प्रदान की जाती है।

दिनांक 2 फरवरी, 1979

क्रमांक 2046-ज(I)-78/4599.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (i) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री माई चन्द, पुत्र श्री उदय राम, गांव सोरडा जदीद, तहसील लोहारू, जिला भिवानी, को खरीफ, 1964 से खरीफ, 1966 तक 100 रुपये वार्षिक, रबी, 1967 से रबी, 1970 तक 140 रुपये वार्षिक तथा खरीफ, 1970 से 200 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 40-ज(I)-79/4595.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री सीस राम, पुत्र श्री याद राम, गांव बाबल, तहसील रिवाड़ी, जिला महेंद्रगढ़ को रबी, 1976 से 150 रुपये वार्षिक की युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

गुरवचन शर्मा,
विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग।